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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/587,024

07/24/2006

Fabio Topani

4161-17

9240

23117

7590

09/03/2009

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EXAMINER

EVANISKO, LESLIE J

ART UNIT

PAPER NUMBER

2854

MAIL DATE

DELIVERY MODE

09/03/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/587,024	TOPANI, FABIO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Leslie J. Evanisko	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07-24-2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **EX-PARTE QUAYLE ACTION**

1. This application is in condition for allowance except for the following formal matters:

#### **Priority**

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### **Drawings**

3. The drawings are objected to because of the following informalities:

Reference numeral 14 in Figure 7 lacks any lead line making it unclear what structure it is intending to designate.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **Specification**

4. The disclosure is objected to because of the following informalities:

On page 2, line 19, it appears that the term "head print" should be --print head-- to correct an obvious informality. Additionally, on page 8, line 24, the term "imagine" should be deleted and replaced with --image-- to correct an obvious typographical error.

Appropriate correction and/or clarification is required.

### **Claim Objections**

5. Claims 1-15 are objected to because of the following informalities:

With respect to claim 1, it is suggested that the term "a" in line 10 be deleted and replaced with --the large-- since the push-button was previously recited in line 3.

Similarly, it is suggested that the term "a print head" in lines 20 and 22 be deleted and replaced with --the print head-- since the print head was previously recited in line 4.

Also, it is suggested that the term --the-- be inserted before "electronic" in line 21 since the electronic control means was previously recited in line 5. Additionally, the language in line 23 which states the print head is brought to touch the medium to be printed appears to be inaccurate when compared with the disclosure. In particular, it is noted that the disclosure states on page 6 that the printer includes a tape cartridge and the

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tape passes between the needles and the surface of the zone to be printed. Therefore, it is not clear how the print head can be "brought to touch" (i.e., be in direct contact with) the medium.

With respect to claim 5, line 2, the term "the nut screw" has no proper antecedent basis.

With respect to claim 6, line 2, it is suggested that the term "a" be deleted and replaced with --an-- to correct an obvious grammatical error.

With respect to claim 13, line 2, the term "the printing zone" has no proper antecedent basis.

With respect to claim 15, line 2, the term "the working position" has no proper antecedent basis.

Appropriate correction and/or clarification is required.

### **Allowable Subject Matter**

6. Claims 1-15 are objected to for the reasons set forth above, but would be allowable if rewritten to overcome those objections to the satisfaction of the Examiner.

7. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claim 1 in particular, the prior art of record fails to teach or fairly suggest a semiautomatic printer having all of the structure as recited, in combination with and particularly including, the housing that can be positioned on the surface of a medium and remain stationary during the printing sequence, the housing including a large push button located in the upper part of the housing and printer including a

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moving unit including the large push-button, a switch for controlling the printing, a frame vertically movable between two positions, a powered carriage, a print head, and a printed circuit board arranged as specifically recited. It is noted that there are several pieces of art with very similar structure to the claimed subject matter, such as US 2003/0106447 A1 to Walling and US 6,991,332 B1 to Fan et al. However, it is noted that none of these references clearly show the printer including the housing as particularly defined and specifically this prior art of record fails to teach or fairly suggest the moving unit includes a frame, *being rigidly connected to* the push-button and mounted, in a spring charged relationship, inside the housing as defined.

### Conclusion

8. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on T-F 8:00 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*/Leslie J. Evanisko /*  
Leslie J. Evanisko  
Primary Examiner  
Art Unit 2854

lje  
August 30, 2009